

RECEIVED
CENTRAL FAX CENTER

NOV 14 2006

Patent

Serial No. 10/522,298

Amendment in Reply to Final Office Action of October 10, 2006

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated October 10, 2006. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-15 are currently pending in the Application. Claims 1 and 8 are independent claims. By means of the present amendment, claims 1, 4, 6-8, 11 and 13 were amended for purposes of clarification and not in order to address issues of patentability. The claims were amended merely to be in proper U.S. form.

Claims 1-6 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by JP Publication number 2001067680 to Seiji et al ("Seiji"). Claims 7-15 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Seiji in view of U.S. Patent No. 4,977,554 to Hangai ("Hangai"). These claims are patentable for at least the following reasons.

Seiji is directed towards a device to read an optical disk even under conditions of external vibration. Seiji utilizes a tracking actuator 4 to move an objective lens 2 radially within a movable range on a delivery device 5 (see, FIG.1, and paragraph [0033]).

Patent
Serial No. 10/522,298

Amendment in Reply to Final Office Action of October 10, 2006

The objective lens 2 is moved based on a reverse electromotive voltage (EMV) detection means 22 detecting a voltage produced by a tracking actuator 4, and then sends a control signal back through elements 23, 20 and 24 to actuator 4 to move the objective lens 2 (see, FIG.1, Abstract). Even assuming, in arquendo, that the back EMV detection means 22 detects a voltage from actuator 4 which inherently detects the speed of the delivery device 5 and therefore is able to calculate the position of the delivery device 5 radially as suggested by the Office Action, an argument which is not supported by the configuration as shown in Seiji, there is no showing of controlling the sledge based upon these detecting acts as required by claim 1 of the present application. As shown in FIG. 1, the tracking EMV detection means 22 detects signals from the tracking actuator 4 and sends a control signal to only the tracking actuator 4. As is clear from FIG. 1 and the accompanying description contained in paragraph [0038], only the positioning of the lens 2 is controlled by this detected signal of the tracking actuator. In other words, the detected signal is fed only back to the tracking actuator 4 and does not control the platform 5. The delivery control means 19 of the sledge 5 does not receive the

Patent
Serial No. 10/522,299

Amendment in Reply to Final Office Action of October 10, 2006

detected signal and accordingly, the detected is not used to control the sledge 5.

It is respectfully submitted that the method of Claim 1 is not anticipated or made obvious by the teachings of Seiji. For example, Seiji does not disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided):

"detecting at least one of a substantial
deceleration, acceleration and stop of the sledge
when moving radially by detecting a radial
displacement of said platform with respect to
said sledge; and
controlling the sledge based upon the
detecting acts"

as required by Claim 1 and as substantially required by Claim 8. Based on the foregoing, the Applicant respectfully submits that independent Claims 1 and 8 are patentable over Seiji and notice to this effect is earnestly solicited. Although Hangai is cited in the rejection of independent Claim 8, it does nothing to cure the above noted deficiencies in Seiji.

Claims 2-7 and 9-15 respectively depend from one of Claims 1 and 8 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of said claims.

Patent
Serial No. 10/522,298
Amendment in Reply to Final Office Action of October 10, 2006

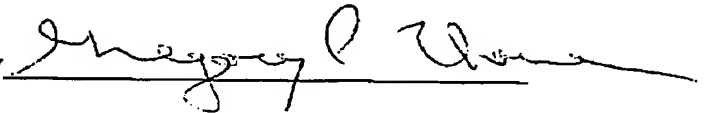
In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due for entrance of the accompanying amendment other than those paid by the attached credit card authorization for filing of the Request for Continued Examination (RCE). However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicant's representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

Patent
Serial No. 10/522,298
Amendment in Reply to Final Office Action of October 10, 2006

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
November 14, 2006

Enclosures: Request for Continued Examination (RCE)
Authorization to charge credit card fee for filing
the RCE

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101